

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

MARK FHUERE,

Defendant.

4:13CR3074

PRELIMINARY ORDER OF FORFEITURE

This matter is before the Court upon the United States' Motion for Issuance of Preliminary Order of Forfeiture (Filing No. 29). The Court has reviewed the record in this case and finds as follows:

1. Defendant has entered a plea of guilty to Count I and the Forfeiture Allegation of the Indictment filed herein. Count I charged the defendant with the receipt and distribution of child pornography, in violation of 18 U.S.C. ' 2252A(a)(2). The Forfeiture Allegation sought the forfeiture, pursuant to 18 U.S.C. ' 2253, of one Gateway computer, serial number PTG360X00283409F672700; and one Western Digital Hard Drive, serial number WXE405221318, on the basis they were used or were intended to be used to facilitate said violation.

2. By virtue of said guilty plea, the defendant forfeits his interest in the above-described properties, and the United States should be entitled to possession of said properties, pursuant to 18 U.S.C. ' 2253.

3. The United States' Motion for Issuance of Preliminary Order of Forfeiture should be sustained.

IT IS ORDERED, ADJUDGED AND DECREED:

A. The United States' Motion for Issuance of Preliminary Order of Forfeiture is hereby sustained.

B. Based upon the Forfeiture Allegation of the Indictment and the defendant's plea of guilty, the United States is hereby authorized to seize the Gateway computer, serial number PTG360X00283409F672700; and the Western Digital Hard Drive, serial number WXE405221318C. The defendant's interest in said properties is hereby forfeited to the United States for disposition in accordance with the law, subject to the provisions of 18 U.S.C. ' 2253.

C. Defendant's interest in said properties is hereby forfeited to the United States for disposition in accordance with the law, subject to the provisions of 18 U.S.C. ' 2253.

D. The aforementioned properties are to be held by the United States in its secure custody and control.

E. Pursuant to 18 U.S.C. ' 2253, the United States forthwith shall publish for at least thirty consecutive days on an official Government internet site, www.forfeiture.gov, notice of this Order, Notice of Publication evidencing the United States' intent to dispose of the properties in such manner as the Attorney General may direct, and notice that any person, other than the Defendant, having or claiming a legal interest in any of the subject properties must file a Petition with the court within thirty days of the final publication of notice or of receipt of actual notice, whichever is earlier.

F. Said published notice shall state the Petition referred to in Paragraph E, above, shall be for a hearing to adjudicate the validity of the Petitioner's interest in the properties, shall be signed by the Petitioner under penalty of perjury, and shall set forth the nature and extent of the Petitioner's right, title or interest in the subject properties and any additional facts supporting the Petitioner's claim and the relief sought.

G. The United States may also, to the extent practicable, provide direct written notice to any person known to have an interest in the properties subject to this Order as a substitute for published notice as to those persons so notified.

H. Upon adjudication of all third-party interests, this Court will enter a Final Order of Forfeiture pursuant to 18 U.S.C. ' 2253, in which all interests will be addressed.

DATED this 31st day of March, 2014.

BY THE COURT

/s/ Lyle E. Strom

LYLE E. STROM, Senior Judge
United States District Court